



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,201	12/30/2000	Bradley W. Mitchell	42390P10208	8111

8791 7590 01/28/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,201

Applicant(s)

MITCHELL, BRADLEY W.

Examiner

Mohammad Ali

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to the application filed on December 30, 2000.
2. Claims 1-31 are pending in this Office Action. Claims 1-31 are presented for examination.

Specification

3. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

- Where applicable, the abstract should include the following:
- (1) if a machine or apparatus, its organization and operation;
 - (2) if an article, its method of making;
 - (3) if a chemical compound, its identity and use;
 - (4) if a mixture, its ingredients;
 - (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because of proper content. The Abstract should be written more descriptive, but not more than 150 words. Correction is required. See MPEP § 608.01(b).

Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate

Art Unit: 2177

and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

Summary or Summary heading is missing. Appropriated correction is required.

Drawings

4. This application has been filed with informal drawings which are accepted for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, and 15-16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ginter et al. ('Ginter' hereinafter), US Patent 6,363,488 in view of Lachhwani et al. ('Lachhwani' hereinafter), US 200/0116418.

With respect to claim 1,

Ginter discloses a method of compiling electronic data (see Abstract) comprising:

(a) receiving electronic data on a computing platform from at least one external source (see col. 55, lines 9-19);

(b) inserting at least a portion of the collected data into one or more data fields, wherein said one or more data fields comprise an electronic scoreboard of interrelated data (see col. 38, lines 23-45);

(c) updating said electronic scoreboard of data (see col. 23, lines 23-45 et seq);
and

(d) calculating at least one measurement of updated scoreboard data (col. 35, lines 25-30 et seq).

Ginter does not explicitly indicate the claimed "scoreboard data".

Lachhwani discloses the claimed scoreboard data (web pages, word processing files, electronic files associated with billboards, scoreboards displays in the electronic document, see paragraph 0027, 0004 and Fig. 1).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention, to combined the teachings of the cited references because scoreboard data of Lachhwani's teachings would have allowed Ginter's system to generate a document in the display, as suggested by Lachhwani at paragraph 0007

Art Unit: 2177

et seq. Scoreboard data as taught by Lachhwani improves to create a document in the digital network system in the database (see paragraph 0008, Lachhwani)

As to claim 2,

Ginter teaches wherein said at least one external source comprises a remote computing platform coupled by a network to the computing platform that receives the electronic data (see col. 33, lines 54-60).

As to claim 3,

Ginter teaches wherein said at least one external source further comprises data collection software executing on said remote computing platform (see col. 33, lines 54-64 et seq).

As to claim 4,

Ginter teaches wherein updating said electronic scoreboard of data comprises removing at least a portion of collected electronic data after a particular amount of time has elapsed (see col. 38, lines 23-45).

As to claim 5,

Ginter teaches wherein updating said electronic scoreboard of data comprises removing at least a portion of collected electronic data after a particular amount of data is collected (see col. 37, lines 40-60 et seq).

As to claim 6,

Ginter teaches wherein said one or more data fields contain one or more periodically updated lists of related electronic data values (see col. 38, lines 23-45 et seq).

As to claim 15,

Ginter discloses a method of generating electronic reports (col. 55, lines 10-25, Fig. 2), said method comprising:

(a) collecting electronic data from at least one external source (col. 33, lines 54-66 et seq);

(b) inserting the collection of electronic data into a plurality of associated data fields (col. 38, lines 23-45 et seq);

(c) assigning scores to at least a portion of the data contained in the plurality of data fields (see col. 38, lines 23-45);

(d) issuing electronic reports based at least in part on said scores (see col. 55, lines 10-25, Fig. 2).

Lachhwani discloses the claimed score data (web pages, word processing files, electronic files associated with billboards, scoreboards displays in the electronic document, see paragraph 0027, 0004 and Fig. 1).

It would have been obvious to one ordinary skill in the data processing art, at the time of the present invention, to combined the teachings of the cited references because score data of Lachhwani's teachings would have allowed Ginter's system to generate a document in the display, as suggested by Lachhwani at paragraph 0007 et seq. Score data as taught by Lachhwani improves to create a document in the digital network system in the database (see paragraph 0008, Lachhwani)

As to claim 16,

Ginter teaches wherein steps (b), (c) and (d) are repeated based at least in part on additional collected electronic data (see col. 33, lines 54-66 et seq).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 7-14 and 17-31 are rejected under 35 U.S.C. 102(e) as being anticipate by Ginter et al. ('Ginter' hereinafter), US Patent 6,363,488.

With respect to claim 7,

Ginter discloses a method of reporting electronic data, said method (see Abstract) comprising:

(a) retrieving at least a portion of one or more measurement values (see col. 55, lines 10-23 et seq);

(b) comparing at least a portion of one or more measurement values to one or more threshold values (see col. 305, lines 41-55 et seq);

(c) determining whether to designate at least a portion of the electronic data related to the one or more measurement values for reporting, based at least in part on the comparison (see col. 55, lines 60 to col. 56, lines 2, Fig. 2); and

(d) sending at least the portion of the electronic data designated for reporting to a remote device (see col. 33, lines 54-66 et seq).

As to claim 8,

Ginter teaches wherein the one or more measurement values comprise statistical values obtained from a sample of the electronic data (see col. 33, lines 53-66 et seq).

As to claim 9,

Ginter teaches wherein said one or more threshold values comprise one or more numerical values that relate at least in part to said statistical values (see col. 35, lines 27-32).

As to claim 10,

Ginter teaches wherein the electronic data comprises text data (see col. 33, lines 54-55).

As to claim 11,

Ginter teaches wherein comparing comprises: comparing the one or more threshold values to the one or more measurement values, and issuing at least one electronic report if the one or more measurement values exceeds the one or more threshold values (see col. 35, lines 25-34 et seq).

As to claim 12,

Ginter teaches wherein the one or more threshold values are configurable (see col. 305, lines 44-51 et seq).

As to claim 13,

Ginter teaches wherein the configuration is determined by a user (see col. 33, lines 58-60 et seq).

As to claim 14,

Ginter teaches wherein the remote device comprises a computing platform capable of receiving electronic data (see col. 55, lines 66 to col. 56, lines 2, Fig. 2 et seq).

With respect to claim 17,

Ginter discloses a method of data reduction (see Abstract) comprising:
receiving interrelated electronic data regarding electronic transactions occurring via at least one selected web site (see col. 55, lines 54 to col. 56, lines 2, Fig. 2);

compiling said interrelated data into a plurality of data fields, said data fields arranged to provide sample statistics of said interrelated data (see col. 38, lines 23-45 et seq);

updating said interrelated electronic data fields with additional data regarding more recent electronic transactions occurring via said at least one selected web site, wherein said updating updates said sample statistics (see col. 38, lines 23-45);

after at least one update, comparing said updated sample statistics with at least one preset threshold value (see col. 35, lines 25-33); and

generating at least one report based at least in part on the comparison (col. 55, lines 10-25, Fig. 2).

As to claim 18,

Ginter teaches wherein said sample statistics comprise at least the mean and standard deviation (see col. 33, lines 53-66 et seq).

As to claim 19,

Ginter teaches wherein said threshold value is configurable (see col. 305, lines 44-51).

As to claim 20,

Ginter teaches and further comprising: updating said one or more data fields by omitting at least a portion of the collected electronic data other than said additional data (see col. 38, lines 23-45 et seq).

As to claim 21,

Ginter discloses a method of displaying electronic data, said method (see Abstract) comprising:

(a) receiving at least a portion of electronic data reports from at least one external source, wherein the electronic data reports comprise electronic data collected

and compiled, and reported based at least in part on a priority system (see col. 55, lines 54 to col. 56, lines 2, Fig. 2 et seq); and

(b) displaying at least a portion of the electronic data reports as a computer output (see col. 55, lines 10-21).

As to claim 22,

Ginter teaches wherein said electronic data reports comprise data at least partially relating to online or internet activity (see col. 55, lines 63-67 et seq).

As to claim 23,

Ginter teaches wherein said priority system comprises comparing one or more threshold values to one or more statistical or representative values of at least a portion of the collected electronic data (see col. 305, lines 44-51).

As to claim 24,

Ginter discloses an article (see Abstract) comprising:

a storage medium having stored thereon instructions, that when executed by a computing platform, result in execution of an electronic report generator (see col. 38, lines 23-45 et seq), by:

collecting electronic data from at least one external source (see col. 33, lines 54-66 et seq);

compiling said collected electronic data (see col. 33, lines 54 to col. 34, lines 10 et seq); and

reporting said compiled electronic data based at least in part on a priority basis (see col. 55, lines 60 to col. 56, lines 2, Fig. 2 et seq).

As to claim 25,

Ginter teaches wherein said medium further has stored thereon instructions that, when executed, result in said electronic data being compiled by inserting at least a portion of said collected electronic data into one or more data fields (see col. 38, lines 23-45).

As to claim 26,

Ginter teaches wherein said medium further has stored thereon instructions that, when executed, result in determining one or more measurement values of said electronic data, wherein said measurement values comprise one or more representative values of at least a portion of said collected electronic data (see col. 38, lines 23-45 et seq).

As to claim 27,

Ginter teaches wherein said medium further has stored instructions that, when executed, result in determining priority based at least in part on the comparison of said one or more measurement values to one or more threshold values, wherein said one or more threshold values comprises one or more numerical values that relate at least in part to said one or more measurement values (see col. 305, lines 44-51 et seq).

With respect to claim 28,

Ginter discloses a system for generation of electronic reports (see col. 55, lines 7-21, Fig. 2) comprising:

a computing platform (see col. 55, lines 7-21);

said computing platform being adapted to, in operation, perform the generation of electronic reports (see col. 55, lines 61 to col. 56, lines 2 et seq) by:

collecting electronic data from at least one external source (see col. 33, lines 53-66 et seq);

compiling said collected electronic data (see col. 38, lines 23-45 et seq); and
reporting said compiled electronic data based at least in part on a priority basis (see col. 55, lines 10-23 et seq).

As to claim 29,

Ginter teaches wherein compiling said collected electronic data further comprises inserting at least a portion of said collected electronic data into one or more data fields (see col. 38, lines 23-45 et seq).

As to claim 30,

Ginter teaches wherein compiling said collected electronic data further comprises determining one or more measurement values of said collected electronic data, wherein said one or more measurement values comprise one or more representative values of at least a portion of said collected electronic data (see col. 36, lines 56 to col. 37, lines 10 et seq).

As to claim 31,

Ginter teaches wherein said priority basis is determined based at least in part on a comparison of said one or more measurement values to said one or more threshold values, wherein said one or more threshold values comprise one or more numerical

Art Unit: 2177

values that relate at least in part to said one or more measurement values (see col. 305, lines 44-51 et seq).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Mohammad Ali

Patent Examiner

AU 2177

MA

January 22, 2004